REMARKS

Claims 1-16 are pending in the present application. Claims 1, 6-7, and 12 have been amended. Claim 17 has been added. Reconsideration of the claims is respectfully requested.

Amendments have been made to the specification to describe reference character 620 in the specification, as required by the rejection. It is submitted that no new matter has been added by any of the amendments to the specification.

The Examiner is thanked for the courtesy of an interview in which the claim amendments above were discussed. It is understood from that interview that these amendments should overcome the prior art.

I. 35 U.S.C. § 112, Second Paragraph

Claims 1-16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for lack of antecedent basis for the phrase "*the selected set of attributes*" in the independent claims.

Claims 1, 6-7, and 12 have been amended to recite "*receiving a user selection of at least one attribute in the set of attributes to create a selected set of attributes*", which provides the necessary antecedent basis. Accordingly, this rejection has been overcome.

II. 35 U.S.C. § 101

The examiner rejects claims 1, 2 and 5 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

Claim 1 has been amended to recite that the method steps are "computer-implemented". Thus, this rejection is believed to be overcome.

III. 35 U.S.C. § 102, Anticipation

Claims 1-4, 6-10, and 12-15 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent 5,579,479 to Barber *et al.* (hereinafter Barber). The rejection is respectfully traversed.

Representative claim 1 now reads,

1. (Amended) A method for building a search query in a data processing system having a graphical user interface, comprising the computer-implemented steps of:

responsive to user input, dropping a graphical component representing a first system object onto a graphical component representing a query function, wherein said first system object contains an attribute for which the user wishes to create a query;

presenting a set of attributes of the first system object;

receiving a user selection of at least one attribute in the set of attributes to create a selected set of attributes; and

responsive to the user selection, creating a search query from the selected set of attributes.

In addition to the amendments noted above, the independent claims have now been amended to clarify the invention by reciting that the first system object contains an attribute for which the user wishes to create a query. In the example shown in **Figure 5**, reproduced below, the user is selecting a single object from the folders, which in this example is a Windows 95 Workstation **502**. The object **502** is dropped into the box used as a query template **504**. This is representative of the "dropping" step recited in the claim. Once that object has been selected, the system presents the screen of **Figure 6** below, in which attributes of the selected object **502** are displayed, e.g., machine type, operating system, etc., and the user is allowed to select attributes of interest. This figure is representative of the "presenting" and "receiving" steps recited in the claims. It is further noted that the claim recites that the search query is created from the "selected set of attributes"; no mention is made of the system object being part of the query.

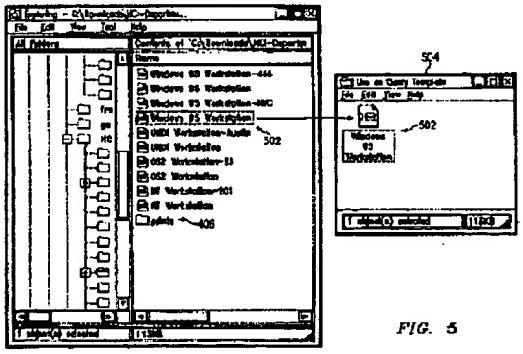


FIG. 5

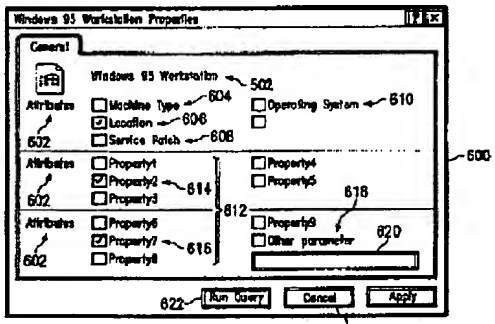


FIG. 6

Regarding claim 1, the Office Action states,

As to claim 1, *Barber* teaches method for building a search query in a data processing system having a graphical user interface (fig. 5, col. 5, lines 22-29), comprising the steps of:

"responsive to user input, dropping a graphical component representing a

first system object onto a graphical component representing a query function" as responsive to user's selection, an image query is constructed by moving selected image characteristic representations from a selection area to the image query area. For example, after user selects a Bears thumbnail 100 and a Water thumbnail 106, these two thumbnails are draped and dropped to window 90. In order to generate a query based on the thumbnails 100 and 106 are dropped in the example image window 90, a Run Query option is selected. The above information shows that the thumbnails are dropped onto the window 90 that is represented as a query function. Each thumbnail is represented as a first system object (fig. 5, col. 2, lines 65-67; col. 3, lines 1-2; col. 9, lines 37-51);

"presenting a set of attributes of the first system object" as displaying different color red and purple of the thumbnails on fig. 5 (col. 9, lines 24-28)[1]

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). In this case each and every feature of the presently claimed invention is not identically shown in the cited reference , arranged as they are in the claims.

It is submitted that Barber does not show the invention as claimed. Specifically, Barber does not show receiving a system object, displaying the attributes of that system object, and then allowing the user to select one of the attributes for the search query.

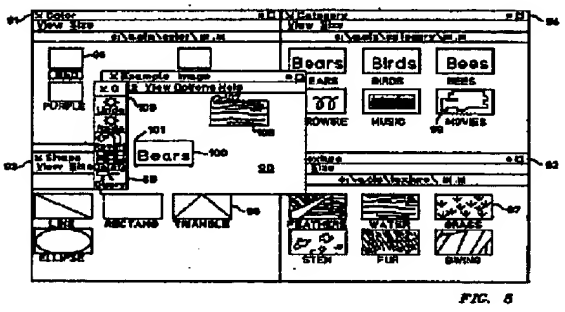


FIG. 5

Figure 5 of Barber, which is referenced in the rejection, depicts the construction of an exemplary query. This figure is described thus,

In the first embodiment of the invention, four selection windows (containers) are employed: a color container 91, a texture container 92, a shape container 93, and a category container 94. The containers 91, 92 and 93 correspond to characteristics which are innate in an image and which can be calculated as described above from image content. The category characteristic is an arbitrary textual tag which can be

[1] Office Action of February 23, 2005, pages 5-6

> appended to an image or an image mask. Each of the selection containers 91-94 contains one or more icons, which are referred to, preferably, as "thumbnails". Each thumbnail in one of the image characteristic containers 91, 92 and 93 corresponds to a prespecified value for an image characteristic. For example, the "RED" thumbnail 96 in the color selection container 91 corresponds to a precalculated value for red taking into account all the components of a particular display scheme which contribute to the particular shade of red given by the thumbnail 96. In the texture selection container 92, the "GRASS" thumbnail 97 corresponds to a set of precalculated textural values. In the shape selection container 93, the "TRIANGLE" thumbnail 98 corresponds to a quantized representation of a triangle.
>
> A sample image can be constructed by dragging thumbnails to the example image window 90 from the color, texture, shape and category selection containers. For example, a "BEARS" thumbnail 100 has been dragged from the category container 94 and dropped in the example image window 90. A "WATER" thumbnail 106 has been dragged from the texture container 92 and dropped in the example image window 90. The locations 101 and 107 of the thumbnails 100 and 106 are determined as described above with reference to the example image window origin 108.
>
> The layout of thumbnails in the sample image affects the results of a query. For example, placing two bear thumbnails next to each other in the example image window indicates a preference for adjoining bear objects in the results set of images that will be selected to satisfy the query.
>
> In order to generate a query based on the thumbnails 100 and 106 dropped in the example image window 90, a RUN QUERY option is selected. When the option is selected, a query is constructed as described above which consists of a predicate with an object portion denoting "bears" at a location corresponding to the point 101 and another object portion denoting a "water" texture with a location at 107.[2]

As this text and figure show, Barber builds a query through the collection of separate, individual characteristics. Barber builds a query by allowing a user to assemble multiple graphical user images, each representing a single characteristic. However, this is not the same as taking a single object and allowing the user to choose attributes of that object.

Thus, Barber does not show or suggest the method as claimed. Accordingly, Barber does not anticipate all the limitations of representative claim 1. The rejection under 35 U.S.C. § 102 has been overcome.

IV. 35 U.S.C. § 103, Obviousness

Claims **5, 11,** and **16** stand rejected under 35 U.S.C. § 103 as being unpatentable over Barber in view of U.S. Patent 6,188,405 to Czerwinski *et al.*, (hereinafter Czerwinski). This rejection is respectfully traversed.

[2] Butler, column 8, line 66 – column 9, line 55

Representative claim 5 recites,

> 5. The method as recited in claim 1, wherein the first system object represents the data processing system in a distributed computing environment.

It is respectfully submitted that these claims are dependent on claims discussed in the 102 rejection above and inherit the allowability of their independent claims. Therefore, the rejection under 35 U.S.C. § 103 is overcome.

V. New claim 17

New claim 17 has been added, based on the flowchart of Figure 8. Claim 17 recites,

> 17. (New) A method in a data processing system for building a search query, the method comprising:
> receiving a request to run a query and a property identification;
> receiving a representative graphical user interface object by a find function;
> after receiving said request to run a query, said property identification, and said representative graphical user interface object, determining whether said representative graphical user interface object has been dragged into a template search folder;
> responsive to a determination that said representative graphical user interface object has been dragged into said template search folder, receiving a selection of said representative graphical user interface object;
> responsive to said selection of said representative graphical user interface object, displaying a set of properties for said representative graphical user interface object;
> receiving a selection of at least one of said set of properties for said representative graphical user interface object that form selected properties;
> responsive to receiving said selected properties, receiving query instructions that form received query instructions;
> constructing a search query using the received query instructions to form a constructed query;
> running the constructed query to obtain query results of objects; and
> returning the query results of objects to a results folder.

In addition to the distinctions argued above, it is submitted that this claim includes additional recitations that are not shown by the prior art. For example, the second "receiving" step above recites a "find function" through which the representative object is received. It is submitted that Barber displays possible objects for which the user may search, but does not show the use of a find function to locate representative objects. Additionally, the last step of the method returns the query results to a folder. Barber does not appear to save all of the results in a folder, but simply to display the results to the user, who must then decide what to do with the images.

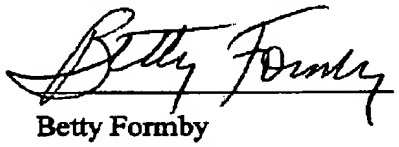
VI. Conclusion

It is respectfully urged that the subject application is patentable over Barber and Czerwinski and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 23, 2005

Respectfully submitted,



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